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9 **AOPTIX TECHNOLOGIES,**
10 **Plaintiff,**
11 **vs.**
12 **BLUE SPIKE LLC,**
13 **Defendant.**

Case No.: 13-CV-1105 YGR

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15 **ORDER DENYING AS MOOT MOTION TO**
16 **DISMISS COMPLAINT; RESETTING HEARING**
17 **ON MOTION TO DISMISS AMENDED**
18 **COMPLAINT; CONTINUING CASE**
19 **MANAGEMENT CONFERENCE**

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28 On October 11, 2013, Defendant Blue Spike LLC moved to dismiss the complaint of Plaintiff AOptix Technologies. (Dkt. Nos. 1 ("Complaint"), 13 ("Motion to Dismiss the Complaint").) On October 25, 2013, the last day for AOptix to oppose the Motion to Dismiss the Complaint under this Court's Civil Local Rule 7-3(a), AOptix instead filed a First Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). (Dkt. No. 18 ("First Amended Complaint").) On November 8, 2013, Blue Spike moved once more for dismissal, this time of the First Amended Complaint. (Dkt. No. 19 ("Motion to Dismiss FAC").) Blue Spike noticed this latter motion for December 18, 2013.¹ (*Id.*)

The Court hereby **ORDERS** the following:

Blue Spike's Motion to Dismiss the Complaint is **DISMISSED AS MOOT**.

Blue Spike's Motion to Dismiss the FAC is **RESET** for hearing on the Court's **2:00 p.m.**

Calendar on December 17, 2013, in Courtroom 5 of the United States Courthouse located at 1301

¹ The undersigned Judge does not have a law-and-motion calendar set for December 18, 2013, which is a Wednesday. *See* Judge Gonzalez Rogers' Standing Order in Civil Cases, <http://www.cand.uscourts.gov/ygrorders>.

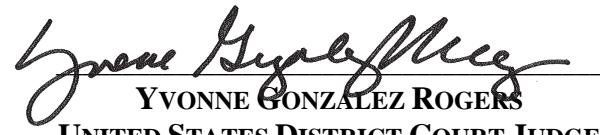
1 Clay Street in Oakland, California. All other briefing deadlines remain as set forth in Civil Local
2 Rule 7-3.

3 The initial Case Management Conference in this matter is **CONTINUED** from November 18,
4 2013 to **Monday, January 27, 2014 at 2:00 p.m.**

5 This Order terminates Docket No. 13.

6 **IT IS SO ORDERED.**

7 Date: November 12, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE